

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

McCONNELL DORCE, et al.,

Plaintiffs,

-v-

CITY OF NEW YORK, et al.,

Defendants.

CIVIL ACTION NO.: 19 Civ. 2216 (JLR) (SLC)

**TELEPHONE CONFERENCE
SCHEDULING ORDER**

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephone conference (the “Conference”) held today, November 11, 2023, regarding the issues raised in the parties’ October 31, 2023 letter (ECF No. 302), the Court orders:

1. With respect to Plaintiffs’ request (the “Request”) for an order compelling the Transferee Defendants “to (i) supplement their privilege log such that each entry contains sufficient subject-matter information to assess the claim of privilege, and (ii) produce any documents that have not been appropriately supplemented[,]” the Court orders that:
 - a. Plaintiffs shall promptly provide the Transferee Defendants with lists of (i) the approximately fifty (50) documents on the Transferee Defendants’ privilege log that either do not reflect whether counsel was included on the communication or are standalone documents from which the basis of the privilege assertion is unclear (the “Ambiguous Communications”), and (ii) the approximately eleven (11) communications on Transferee Defendants’


privilege log that include non-City Defendant third parties (the “Third Party Communications”).

- b. By **November 17, 2023**, the Transferee Defendants shall provide Plaintiffs with a letter (i) explaining the basis of the privilege assertion with respect to the Ambiguous Communications, and (ii) explaining the nature of the relationship between the Transferee Defendants and the third parties included in the Third Party Communications.
 - c. The Request, including with respect to Plaintiffs’ challenge to the Transferee Defendants’ assertion of the common interest/joint defense privilege, is otherwise DENIED WITHOUT PREJUDICE to renewal, if good cause exists, following depositions.
2. Plaintiffs’ request to file a motion to compel, and the City Defendants’ request to file a cross-motion to seal, relating to Exhibit D to Plaintiffs’ motion at ECF No. 296 (the “Motion”) are HELD IN ABEYANCE pending the Court’s resolution of the Motion.
3. A telephone conference is scheduled for **Wednesday, November 22, 2023 at 2:00 pm** on the Court’s conference line. The parties are directed to call: (866) 390-1828; access code: 380-9799, at the scheduled time. By **November 20, 2023 at 5:00 pm**, Plaintiffs may file a letter, no longer than three (3) pages (the “Letter”), raising any issues requiring the Court’s attention. Should Plaintiffs choose to file the Letter, they shall afford the Transferee Defendants an opportunity to review the Letter in advance and include a statement of the Transferee Defendants’ position on the issues Plaintiffs have raised.

4. By **November 7, 2023**, the parties shall order a transcript of the Conference, and shall select the “7 day” option for service.

Dated: New York, New York
November 3, 2023

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge